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P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Letters Patent of:

Hergenhan

Patent No.: **6,947,227 B2**

Issued: **September 20, 2005**

For: **POSITIONING DEVICE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
**ATTENTION: Certificate
of Correction Branch**

) Application No.: **10/714,555**
)
)
Examiner: **T. Thompson**
)
Art Unit: **2873**
)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 ATTENTION: Certificate of Correction Branch on October 5, 2005.

By: Carol Prentice
CAROL PRENTICE

**REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 C.F.R. §1.322**

Dear Sir:

Transmitted herewith is a Certificate of Correction for U.S. Patent No. 6,947,227 which issued September 20, 2005. Upon reviewing the patent, the patentee noted a minor error was made by the Patent and Trademark Office in printing the patent. Specifically, a minor typographical error in claim 8.

A Certificate of Correction is enclosed, and reads as follows:

(1) Column 10, line 65:

Insert a comma after the word "clamping"

A copy of the last Amendment dated March 2, 2005 is enclosed evidencing the requested correction in claim 8.

Since the error for which a Certificate of Correction is

*Certificate
OCT 13 2005
of Correction*

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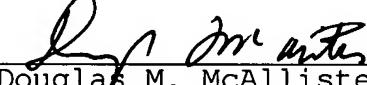
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Page 2

sought was the result of a Patent and Trademark Office mistake, no fee is due (35 U.S.C. §254). The issuance of the enclosed Certificate of Correction is therefore respectfully requested.

Attached hereto, in duplicate, is Form PTO-1050, with at least one copy being suitable for printing.

Please send the Certificate to Patentees' undersigned representative.

Respectfully submitted,



Douglas M. McAllister
Attorney for Applicant(s)
Registration No. 37,886
Lipsitz & McAllister, LLC
755 Main Street, Bldg. 8
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ATTORNEY DOCKET NO.: HOE-785
Date: October 5, 2005

OCT 14 2005

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
G. Hergenhan)
Serial No.: 10/714,555) Examiner: T. Thompson
Filed: November 14, 2003) Art Unit: 2873
)
)

For: **POSITIONING DEVICE**

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: March 2, 2005.

Signature: Carol Prentice
Carol Prentice

AMENDMENT

Dear Sir:

This Amendment is responsive to the Office Action mailed on November 3, 2004, for which a petition and fee for a one-month extension of time is being submitted concurrently herewith. Please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

COPY

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) Positioning device for the exact positioning of a first optical component relative to a second optical component, the positioning device comprising:
a first fixing element and at least one second fixing element guided relative to one another by a guide means such that they are movable towards one another essentially only in a clamping direction; the positioning device having and
at least one support element arranged between them the fixing elements, each of said at least one support element being provided with a contact element adapted to provide a connection to an adjusting device, the position of said at least one support element relative to the fixing elements being adjustable in at least one direction transversely to the clamping direction by said adjusting device and being adapted to be fixed between the fixing elements as a result of clamping, and the optical components being held on different ones of the elements adjustable relative to one another.
2. (Original) Positioning device as defined in claim 1, wherein the fixing elements are guided relative to one another by several guide means.
3. (Currently amended) Positioning device as defined in claim 1, wherein one of the guide means blocks at least any translational movement transversely to the clamping direction.
4. (Currently amended) Positioning device as defined in claim 1, wherein one of the guide means blocks any rotational movement about an axis of rotation parallel to the clamping direction.

5. (Currently amended) Positioning device as defined in claim 1, wherein a the guide means is formed by an alignment pin and an alignment pin receiving means, wherein the alignment pin is arranged on one fixing element and the alignment pin receiving means on the other fixing element.

6. (Currently amended) Positioning device as defined in claim 5, wherein: ~~in the case of several guide means~~

the fixing elements are guided relative to one another by several guide means;

one of said several guide means is designed as an alignment pin and alignment pin receiving means and the other guide means has a degree of freedom in a radial direction in relation to the one guide means and forms an exact guide means only in a transverse direction in relation to the radial direction.

7. (Original) Positioning device as defined in claim 1, wherein the support element is adapted to be fixed in a force-locking manner between the fixing elements.

8. (Currently amended) Positioning device as defined in claim 1, wherein for the exact positioning of a first optical component relative to a second optical component, the positioning device comprising:

a first fixing element and at least one second fixing element guided relative to one another by a guide means such that they are movable towards one another essentially only in a clamping direction, the fixing elements are being adapted to be acted upon in a clamping direction by at least one several clamping devices, the several clamping devices are arranged in a type of multiple symmetry in relation to an axis of symmetry; and

at least one support element arranged between the fixing elements, the position of said at least one support element relative to the fixing elements being adjustable in at least one direction transversely to the clamping direction and being adapted to be fixed between the fixing elements

as a result of clamping, the optical components being held on different ones of the elements adjustable relative to one another.

9. (Original) Positioning device as defined in claim 8, wherein the clamping device comprises a tightening screw.

10. (Currently amended) Positioning device as defined in claim 8, wherein the fixing elements are adapted to be acted upon in the clamping direction by several clamping devices are provided.

11. (Original) Positioning device as defined in claim 10, wherein the several clamping devices are arranged in a type of multiple symmetry in relation to an axis of symmetry.

12. (Currently amended) Positioning device as defined in claim 11, wherein the axis of symmetry extends approximately parallel to the clamping direction.

13. (Currently amended) Positioning device as defined in claim 11, wherein the axis of symmetry extends through the optical components positionable relative to one another.

14. (Currently amended) Positioning device as defined in claim 1, wherein for the exact positioning of a first optical component relative to a second optical component, the positioning device comprising:

a first fixing element and at least one second fixing element guided relative to one another by a guide means such that they are movable towards one another essentially only in a clamping direction; and

at least one support element arranged between the fixing elements, the fixing elements and the at least one support element abutting on one another with respective polished surfaces, the position of said at least one support element relative to the fixing elements being adjustable in at least one direction transversely to the clamping direction and being adapted to be fixed

between the fixing elements as a result of clamping, the optical components being held on different ones of the elements adjustable relative to one another.

15. (Original) Positioning device as defined in claim 1, wherein at least two support elements are arranged between the fixing elements.

16. (Currently amended) Positioning device as defined in claim 15, wherein for the exact positioning of a first optical component relative to a second optical component, the positioning device comprising:

a first fixing element and at least one second fixing element guided relative to one another by a guide means such that they are movable towards one another essentially only in a clamping direction; and

at least two support elements arranged between the fixing elements, the at least two support elements abutting on one another with polished surfaces, the position of said support elements relative to the fixing elements being adjustable in at least one direction transversely to the clamping direction and being adapted to be fixed between the fixing elements as a result of clamping, the optical components being held on different ones of the elements adjustable relative to one another.

17. (Currently amended) Positioning device as defined in claim 16, wherein each support element is provided with a contact element, a connection to an adjusting device being provided via said element.

18. (Currently amended) Positioning device as defined in claim 17, wherein the contact element is a receiving means for an adjusting finger of the adjusting device.

19. (Original) Positioning device as defined in claim 1, wherein the contact element is accessible via an opening in one of the fixing elements.

20. (Currently amended) Positioning device as defined in claim 1, wherein for the exact positioning of a first optical component relative to a second optical component, the positioning device comprising:

a first fixing element and at least one second fixing element guided relative to one another by a guide means such that they are movable towards one another essentially only in a clamping direction; and

at least one support element arranged between the fixing elements, the position of said support element relative to the fixing elements being adjustable in at least one direction transversely to the clamping direction and being adapted to be fixed between the fixing elements as a result of clamping, one of the optical components is being arranged on one fixing element and the other on at least one support element, said optical components being adjustable relative to one another.

REMARKS

This Amendment is responsive to the Office Action mailed on November 3, 2004. Claims 1, 3-6, 8, 10, 12-14, 16-18 and 20 are amended. Claims 1-20 are pending.

The Examiner has indicated that claims 11-14 and 16-20 contain allowable subject matter.

Claims 1-10 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Naoe (US 5,997,153) in view of Linville (US 5,402,165).

Applicant respectfully traverses these rejections in view of the amended claims and the following comments.

Discussion of Amended Claims

Claim 1 is amended to include the allowable subject matter of claim 17. Claims 3 and 4 are amended to depend from claim 2. Claim 5 is amended to refer to "the" guide means. Claim 6 is amended to improve readability thereof.

Claim 8 is amended into independent form and includes the subject matter of original claim 1 and the allowable subject matter of claim 11.

Claim 10 is amended to depend from claim 1. Claims 12 and 13 are amended to depend from claim 8.

Claim 14, which the Examiner indicated contains allowable subject matter, is amended into independent form and includes the subject matter of original claim 1.

Claim 16, which the Examiner indicated contains allowable subject matter, is amended into independent form and includes the subject matter of original claim 1. Claim 17 is amended to depend from claim 16. Claim 18 is amended to depend from claim 1.

Claim 20, which the Examiner indicated contains allowable subject matter, is amended into independent form and includes the subject matter of original claims 1 and 15.

Accordingly, each of the independent claims now contains allowable subject matter. Therefore, Applicant respectfully submits that each of the pending claims is in condition for immediate allowance.

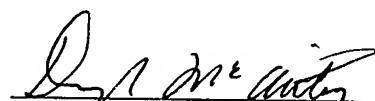
Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the amended claims and the foregoing discussion. Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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ATTORNEY DOCKET NO.: HOE-785

Date: March 2, 2005

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 6,947,227 B2

APPLICATION NO.: 10/714,555

ISSUE DATE : September 20, 2005

INVENTOR(S) : Guido Hergenhan

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10, line 65:

Insert a comma after the word "clamping".

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Lipsitz & McAllister, LLC
755 Main Street, Building 8
Monroe, CT 06468

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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